

**THIRTY-SIXTH DAY.**

Senate Chamber,  
Austin, Texas,

Wednesday, February 27, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senator Love.

S. B. No. 598, A bill to be entitled "An Act amending Articles 3127, 3137, 3139, and 3167 of Chapter 13 of Title 50 of the Revised Civil Statutes of Texas of 1925, repealing Articles 3135, 3138 and 3141 of said Chapter 13, and providing that all political parties required by law to nominate candidates for office at primary elections, shall hold a State Convention to announce a platform of principles and elect a new State Executive Committee and Chairman thereof, on the fourth Tuesday in May, 1930, and every two years thereafter, and declaring an emergency."

The bill was read first time and referred to Committee on Privileges and Elections.

By Senator Neal:

S. B. No. 599, A bill to be entitled "An Act providing for auditing the affairs of counties and county officers upon petition of a certain number of qualified voters by auditors appointed by the Governor and compensated by the State and county; providing for the expense of such audits; making appropriation to pay the State's portion of same; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Woodward:

S. B. No. 600, A bill to be entitled "An Act amending Article 5397, and providing that any claim which has been forfeited by any locator or owner by reason of the failure to pay rental or royalty, may be reinstated by the locator or owner within ninety days from the date of the forfeiture upon payment of all rentals and royalties due the State on said claim by said locator or owner, and the payment of a penalty of ten per cent on such delinquent rental and royalty; and providing an emergency."

The bill was read first time and referred to Committee on Public Lands and Land Offices.

By Senator Pollard:

S. B. No. 601, A bill to be entitled "An Act to make an appropriation of the sum of Eighty Thousand Dollars (\$80,000.00), or so much thereof as may be necessary, payable out of the General Revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the 41st Legislature of the State of Texas, and to pay the contingent expenses of the Regular Session of the 41st Legislature of the State of Texas, and to pay any unpaid expenses incurred by the 40th Legislature of the State of Texas, and providing for the approval of accounts, and declaring an emergency."

The bill was read first time and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 602, A bill to be entitled "An Act adding Article 6899a to

Chapter 1 of Title 121 of the Revised Civil Statutes of 1925 relating to marks and brands of livestock; requiring owners of livestock mentioned in said Chapter to record same with the County Clerk within a certain length of time after this Act takes effect; further regulating marks and brands; providing that this Act shall apply to Matagorda County only; Providing regulations so that after the expiration of a certain length of time only records of marks and brands recorded after this Act takes effect shall be considered; enacting other provisions incidental to said purpose; and declaring an emergency."

The bill was read first time and referred to Committee on Stock and Stock Raising.

#### Simple Resolution No. 80.

Senator Love sent up the the following resolution:

RESOLVED, That the Committee on Criminal Jurisprudence is hereby respectfully directed to report H. B. No. 466 to the Senate not later than 12 o'clock noon, Thursday, February 28, 1929.

LOVE.

Read and adopted by the following vote:

#### Yeas—12.

Beck.	Love.
Berkeley.	McFarlane.
DeBerry.	Parrish.
Greer.	Pollard.
Hornsby.	Thomason.
Hyer.	Woodward.

#### Nays—10.

Cunningham.	Russek.
Holbrook.	Small.
Martin.	Stevenson.
Miller.	Wirtz.
Patton.	Witt.

#### Absent.

Gainer.	Williamson.
Westbrook.	Woodul.

#### Absent—Excused.

Hardin.	Neal.
Moore.	

#### (Pairs Recorded.)

Senator Cousins (present), who would vote yea with Senator Parr (absent), who would vote nay.

#### Senators Excused.

On motion of Senator Parrish, Senator Parr was excused for the morning on account of important business.

#### House Bill No. 17.

The Chair laid before the Senate on its second reading the following bill:

Mr. Harman:

H. B. No. 17, A bill to be entitled "An Act to amend Article 2094, Article 2095, and Article 2096 of the Revised Statutes of 1925, relating to the selection of jurors; amending Article 2094 of the Revised Statutes, 1925, providing for the appointment of jury commissioners to select jurors in certain counties.

The committee report carrying a substitute bill was adopted.

The bill as amended was read second time and passed to third reading.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 17 was put on its third reading and final passage, by the following vote:

#### Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

#### Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

Read third time and finally passed by the following vote:

#### Yeas—27.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Hyer.

Love.	Stevenson.
Martin.	Thomason.
McFarlane.	Westbrook.
Miller.	Williamson.
Parrish.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.
Russek.	Woodward.
Small.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

**House Bill No. 58.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Pope of Nueces:

H. B. No. 58, A bill to be entitled "An Act to amend Chapter Three of Title 67 of the 1925 Revised Civil Statutes of the State of Texas, by adding thereto Article 4054a, to provide that sand and other deposits taken for the raising of the grade of the salt flats in the northern part of Corpus Christi and the lowlands lying north of the northern boundary line in the city of Corpus Christi, in Nueces County, Texas, and south of the boundary line of the town of Portland, in San Patricio County, Texas, shall be exempt from the provisions of said Title 67, and declaring an emergency."

The committee report was adopted.

The bill was read second time.

On motion of Senator Holbrook, the bill was laid on the table subject to call.

**Motion to Reconsider**

Senator Pollard moved to reconsider the motion by which Simple Resolution No. 80 was adopted. The motion prevailed.

The resolution was lost.

**House Bill No. 102.**

The Chair laid before the Senate, on second reading, the following bill:

By Mr. Hines:

H. B. No. 102, A bill to be entitled "An Act to repeal Chapter 169 of the Acts of the Fortieth Legislature, making it illegal for any person to take or trap by means of any snare, deadfall or steel trap any fur-bearing animal within the territorial limits of Cass county for a period of five years."

The committee report was adopted. The bill was read second time and passed to third reading.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 102 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

**House Bill No. 118.**

The Chair laid before the Senate, on second reading, the following bill:

By Mr. Williams of Hardin:

H. B. No. 118, A bill to be entitled "An Act to amend Article 880, Revised Criminal Statutes of 1925, as amended by Chapter 24 of the first called session of the Thirty-ninth

Legislature, so as to make it unlawful to hunt wild deer with dogs in Hardin and Liberty counties."

The committee report carrying amendments was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 118 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed.

#### House Bill No. 137.

The Chair laid before the Senate, on its second reading, the following bill:

By Mr. Adkins:

H. B. No. 137, A bill to be entitled "An Act providing for the catching of sucker fish in the streams of Gin and Glade Creeks, in Upshur County, Texas."

On motion of Senator Wirtz, the bill was laid on the table, subject to call.

#### House Bill No. 251.

The Chair laid before the Senate, on its second reading, the following bill:

By Mr. Johnson:

H. B. No. 251, A bill to be entitled "An Act to amend Article 941a, of the Penal Code of Texas of 1925, so as to cover Dimmit, Zavala, Medina and Uvalde Counties and permit the taking or catching of suckers, buffalo, carp, shad and gar at any time

in any fresh water, rivers, creeks or lakes in the counties of Burnet, Williamson and Lampasas, Dimmit, Zavala, Medina and Uvalde, with a seine or net with not less than a four-inch size mesh, and providing that catfish, crappie, perch, bass and other kind of fish, if any, caught in such seine or net shall be immediately released in the waters where caught, and that the owner or one in possession of said seine or net shall, within five days from and after the using of same, make a report under oath to the Game, Fish and Oyster Commissioner, reporting the name of each and every person in the party and showing in said report that all fish not permitted to be caught or taken were released as aforesaid, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator DeBerry, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 251 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed.

#### House Bill No. 267.

The Chair laid before the Senate on second reading the following bill:

By Mr. Graves of Erath:

H. B. No. 267, A bill to be entitled "An Act amending Article 941a of the Penal Code of Texas by striking out the counties of Erath and Hood, and declaring an emergency."

The committee report was adopted.  
The bill was read second time and passed to third reading.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 267 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed.

#### House Bill No. 335

The Chair laid before the Senate on second reading the following bill:  
By Mr. Ackerman:

H. B. No. 335, A bill to be entitled "An Act to provide a more efficient road system for Montgomery county, Texas; providing that the county commissioners of said county shall be ex-officio road commissioners of their respective precincts; defining their compensation as such; providing for the exercise of the right of eminent domain in opening, widening and straightening the county roads and highways and in securing materials for the construction and maintenance of same, etc.; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 335 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Berkeley.
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Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Parrish.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

#### House Bill No. 391.

The Chair laid before the Senate on second reading the following bill:

By Mr. Tillotson and Mr. Bailey:

H. B. No. 391, A bill to be entitled "An Act to amend Article 842, Chapter 8, Title 22, Revised Civil Statutes of Texas, 1925, by embracing therein debentures issued by Federal intermediate credit banks under the provisions of the Agriculture Credit Act of 1923, and amendments thereto."

The committee report was adopted.

The bill was read second time.

Senator Holbrook moved to lay the bill on the table subject to call. The motion prevailed.

#### S. C. R. No. 34.

Senator Small sent up the following resolution:

Be it resolved by the Senate, the

House of Representatives concurring that House Bill No. 668 be returned to the Senate for further consideration.

SMALL.

The resolution was read and adopted.

#### House Bill No. 421.

The Chair laid before the Senate on second reading the following bill:

By Mr. Johnson of Dimmit:

H. B. No. 421, A bill to be entitled "An Act providing a ten-year period of limitation for the bringing of suit to recover land based upon certain defects in any instrument, where such instrument which has been or hereafter may be of record for ten years or more."

The bill was read second time and passed to third reading.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 421 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Nays— 1.

Miller.

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

Yeas—24.

Beck.	Hornsby.
Berkeley.	Hyer.
Cousins.	Love.
Cunningham.	McFarlane.
Gainer.	Parrish.
Greer.	Patton.
Holbrook.	Pollard.

Russek.	Williamson.
Small.	Wirtz.
Stevenson.	Witt.
Thomason.	Woodul.
Westbrook.	Woodward.

Nays— 3.

DeBerry.	Miller.
Martin.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

#### Messages from the House

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Feb. 27, 1929,  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the following Committee on the part of the House has been appointed in compliance with Senate Concurrent Resolution No. 29:

McCOMBS,  
FUCHS,  
HOPKINS.

The following additional members have been appointed on the part of the House in compliance with Senate Concurrent Resolution No. 19:

MANKIN,  
POOL,  
KING,  
WALLACE.

Respectfully submitted,  
LOUISE SNOW PHINNEY,,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Woodall:

H. B. No. 247, A bill to be entitled "An Act making it a felony for any sheriff, constable, deputy constable, deputy sheriff, justice of the peace, chief of police, policeman, or other peace officer, to demand, receive or collect the whole or any part of the fine or costs in any misdemeanor case until after the affidavit or in-

formation has been filed and judgment of conviction rendered in such case, and prescribing the punishment therefor."

By Mr. Dunlap, Mr. Enderby, Mr. Land and Mr. Harding:

H. B. No. 436, A bill to be entitled "An Act amending Article 287 of the Penal Code of the State of Texas of 1925 as amended by Chapter 139 of the General Laws of the Regular Session of the Thirty-ninth Legislature so as to repeal that portion of the State law prohibiting the operation of moving picture shows and theaters on Sunday in this State."

With engrossed rider.

By Mr. Coltrin:

H. B. No. 718, A bill to be entitled "An Act providing for the establishment of a prison reformatory in connection with the State prison system for young, short-term prisoners."

By Mr. Tillotson, Mr. Beck, Mr. Hornaday, Mr. Duvall and Mr. Johnson:

H. B. No. 489, A bill to be entitled "An Act to clarify and make adequate the law regulating water control and improvement districts, and to cause the same to comport with Section 59 of Article 16, of the Constitution of Texas."

By Mr. Finlay:

H. B. No. 117, A bill to be entitled "An Act regulating the season for taking fur-bearing animals, and regulating the taking of and traffic in hides and skins taken from fur-bearing animals."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk House of Representatives.

#### House Bill No. 539.

The Chair laid before the Senate on second reading the following bill:

By Mr. Petsch:

H. B. No. 539, A bill to be entitled "An Act to authorize the commissioners court in each county having a population not less than ten thousand and fifteen and not more than ten thousand and forty to pay the sheriff of such county for summoning jurors in district or county courts, serving all legal notices, notices to overseers of roads, and doing all other public business for which compensation is not otherwise provided for, not exceeding \$2500 per

annum, to be fixed by the commissioners court at the same time other exofficio salaries are fixed."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 539 was put on its third reading and final passage, by the following vote:

#### Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

#### Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

#### Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

#### Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

#### House Bill No. 542.

The Chair laid before the Senate on second reading the following bill:

By Mr. Montgomery and Mr. Johnson of Dimmit:

H. B. No. 542, A bill to be entitled "An Act to amend Chapter 215, Art-

icle 879A, as passed by the Regular Session of the Fortieth Legislature, providing for the regulation of the season in which white-winged doves may be hunted and killed."

The Committee report was adopted. The bill was read second time and passed to third reading.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 542 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

## Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed.

**House Bill No. 563.**

The Chair laid before the Senate on second reading the following bill:

By Mr. Cox of Limestone:

H. B. No. 563, A bill to be entitled "An Act amending Article 923pp by providing that it shall be lawful to kill, take and have in possession any furbearing animal except a fox within Limestone county during the open season, and providing that it shall be legal to kill, take and have in possession within Limestone county rabbits at any time."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 563 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

## Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

## Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

**House Bill No. 580.**

The Chair laid before the Senate on second reading the following bill:

By Mr. Murphy:

H. B. No. 580, A bill to be entitled "An Act to amend Chapter 14, Local and Special Laws enacted by the Thirty-fifth Legislature at its Third Called Session, in 1917, as amended by Chapter 65, Local and Special Laws enacted by the Thirty-sixth Legislature at its Regular Session in 1919, same being a special road law for Trinity county, Texas, by adding thereto a new Section 33-A authorizing the commissioners court of Trinity county to issue bonds of said county for the purpose of funding or



refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 580 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Gainer.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

#### House Bill No. 589.

The Chair laid before the Senate, on second reading the following bill:

By Mr. Dunlap:

H. B. No. 589, A bill to be entitled

"An Act creating and establishing Starr county water control and improvement district No. 1, in Starr county, Texas, under Section 59 of Article 16 of the Constitution of the State of Texas, for the purpose of the control, storing, preservation and distribution of its waters and flood waters, the waters of its streams and rivers, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, the reclamation and drainage of its overflowed lands and other lands needing drainage, the conservation and development of its forest, water and hydro-electric power, and the preservation and conservation of all such natural resources of the district, and with the powers, authority, rights, privileges and functions conferred in this Act and those provided and set out in Chapter 25 of the General Laws passed by the Thirty-ninth Legislature at its regular session and acts amendatory thereof now in force or which may hereafter be passed."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 589 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

## Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

## House Bill No. 641.

The Chair laid before the Senate on second reading the following bill:  
By Mr. Land:

H. B. No. 641, A bill to be entitled "An Act creating a more efficient road system for Motley county, Texas providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners' court shall co-operate with the State Highway Department in the establishment and construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 641 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Parrish.	Woodul.
Patton.	Woodward.
Pollard.	

## Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

## Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

## House Bill No. 646:

The Chair laid before the Senate, on second reading, the following bill:  
By Mr. Bradley:

H. B. No. 646, A bill to be entitled "An Act to amend Section 23 of Article 2092 of the Revised Civil Statutes of Texas, 1925, relating to the absence, sickness or disqualification of any district judge in any court controlled by said article, and providing for the election of a special judge in such court, and providing the manner of such election."

The bill was read second time.

On motion of Senator Woodward, the bill was laid on the table subject to call.

## House Bill No. 659.

The Chair laid before the Senate, on second reading, the following bill:  
By Mr. Hardy:

H. B. No. 659, A bill to be entitled

"An Act to amend Chapter 60 of the acts of the General and Special Laws of the Fortieth Legislature, first called session, approved June 6th, 1927, amending Section 2 of said chapter, so as to provide that the district attorney of the Ninth Judicial District of Texas may employ in lieu of an assistant district attorney a stenographer and fixing the salary of a stenographer and providing that said act shall take effect from the date of its passage."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 659 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

House Bill No. 670.

The Chair laid before the Senate, on second reading, the following bill:  
By Mr. Pope of Nueces:

H. B. No. 670, A bill to be entitled "An Act creating a more efficient road system for Nueces county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parrish, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 670 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

## Absent—Excused.

Hardin. Neal.  
Moore. Parr.

## House Bill No. 699.

The Chair laid before the Senate, on second reading, the following bill:

By Mr. Ewing and Mr. Metcalfe:

H. B. No. 699, A bill to be entitled "An Act creating a more efficient road system for Robertson county, Texas; vesting the commissioners' court with authority to lay out, drain, repair and maintain such system of roads and make contracts therefor."

The rule requiring committee reports to lie over one day was suspended.

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Gainer, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 699 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck. Parrish.  
Berkeley. Patton.  
Cousins. Pollard.  
Cunningham. Russek.  
DeBerry. Small.  
Gainer. Stevenson.  
Greer. Thomason.  
Holbrook. Westbrook.  
Hornsby. Williamson.  
Hyer. Wirtz.  
Love. Witt.  
Martin. Woodul.  
McFarlane. Woodward.  
Miller.

## Absent—Excused.

Hardin. Neal.  
Moore. Parr.

The bill was read third time and finally passed by the following vote:

## Yeas—27.

Beck. Hyer.  
Berkeley. Love.  
Cousins. Martin.  
Cunningham. McFarlane.  
DeBerry. Miller.  
Greer. Parrish.  
Hardin. Patton.  
Holbrook. Pollard.  
Hornsby. Russek.

Small. Wirtz.  
Stevenson. Witt.  
Thomason. Woodul.  
Westbrook. Woodward.  
Williamson.

## Absent—Excused.

Gainer. Neal.  
Moore. Parr.

## House Bill No. 609.

The Chair laid before the Senate, on second reading, the following bill:

By Mr. McGill:

H. B. No. 609, A bill to be entitled "An Act fixing, in counties having a population of more than 100,000 and less than 150,000, and containing a city of more than 75,000 population, the compensation of and providing for the appointment of assistant county attorneys, and prescribing their qualifications, and providing for the appointment of a stenographer."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 609 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck. Parrish.  
Berkeley. Patton.  
Cousins. Pollard.  
Cunningham. Russek.  
DeBerry. Small.  
Gainer. Stevenson.  
Greer. Thomason.  
Holbrook. Westbrook.  
Hornsby. Williamson.  
Hyer. Wirtz.  
Love. Witt.  
Martin. Woodul.  
McFarlane. Woodward.  
Miller.

## Absent—Excused.

Hardin. Neal.  
Moore. Parr.

The bill was read third time and finally passed by the following vote:

## Yeas—27.

Beck. Cunningham.  
Berkeley. DeBerry.  
Cousins. Gainer.

Greer.	Russek.
Holbrook.	Small.
Hornsby	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Parrish.	Woodul.
Patton.	Woodward.
Pollard.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

**House Bill No. 672.**

The Chair laid before the Senate, on second reading, the following bill:

By Mr. Kennedy and Mr. Harman:

H. B. No. 672, A bill to be entitled "An Act to amend Chapter 21, Local and Special Laws enacted by the Thirty-eighth Legislature at its Regular Session in 1923, same being a special road law for Falls county, Texas, by adding thereto a new section, 3-A, authorizing the commissioners' court of Falls county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 672 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

**House Bill No. 400.**

The Chair laid before the Senate, on second reading, the following bill:

By Mr. Savage:

H. B. No. 400, A bill to be entitled "An Act amending Title 54, Chapter 8, of the Revised Civil Statutes of 1925, by adding Article 3393-a so as to provide that the county judge shall have the power and authority to decrease the amount of the bond of an executor or administrator."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 400 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

## Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed.

**House Bill No. 146.**

The Chair laid before the Senate, on second reading, the following bill:  
By Mr. Johnson of Dimmit:

H. B. No. 146, A bill to be entitled "An Act validating certain defects in instruments pertaining to real estate after they have been of record for ten years or more, such defects validated being any defects in the execution, acknowledgment, recording or certificate of recording where not signed by proper officer of a corporation, where the seal of a corporation has not been impressed on instrument, where record does not show such seal or acknowledgment, where record does not show notary seal."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 146 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

## Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Berkeley.
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Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Parrish.	

## Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

**Motion to Reconsider.**

Senator Parrish moved to reconsider the vote by which H. B. No. 641 was finally passed. The motion prevailed.

On motion of Senator Parrish, further consideration of this bill was indefinitely postponed.

**House Bill No. 710.**

The Chair laid before the Senate on second reading the following bill:

By Mr. McGill:

H. B. No. 710, A bill to be entitled "An Act to amend Section 34, 41, 65 (so noted in the Revised Civil Statutes of Texas), Article 199, of Title 8, of the Revised Civil Statutes of Texas, changing the time of holding the terms of the district court of the Thirty-fourth Judicial District of Texas and permitting the continuing of the terms of court in Hudspeth and Culberson counties by the court."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 710 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck.	Love.
Berkeley.	Martin.
Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby	Small.
Hyer.	Stevenson.

Thomason. Witt.  
Westbrook. Woodul.  
Williamson. Woodward.  
Wirtz.

Absent—Excused.

Hardin. Neal.  
Moore. Parr.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin. Neal.  
Moore. Parr.

#### House Bill No. 379.

The Chair laid before the Senate on second reading the following bill:  
By Mr. Holder:

H. B. No. 379, A bill to be entitled "An Act amending Title 49, Chapter 2, Section 11, of Article 2613, authorizing the Governor of the State of Texas to accept gifts of lands to the State to be held and administered as State forests, under the direction of the board of directors of the Agricultural and Mechanical College of Texas; providing that the conveyances of such property shall be upon such terms and conditions as may be agreed upon by the grantors of said property and the board of directors of the Agricultural and Mechanical College, to purchase lands to be used as State forests; providing that the form of all conveyances shall be submitted to the Attorney General for approval, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Love the

constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 379 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin. Neal.  
Moore. Parr.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin. Neal.  
Moore. Parr.

#### House Bill No. 649.

The Chair laid before the Senate on second reading the following bill  
By Mr. Brice:

H. B. No. 649, A bill to be entitled "An Act creating a more efficient road system for Delta county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said

county under the direction of the commissioners court."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 649 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby	Williamson.
Hyer.	Witt.
Love.	Wirtz.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

S. B. No. 518 Postponed.

On motion of Senator DeBerry further consideration of S. B. No 518, which was the same as H. B. No. 649, was indefinitely postponed.

### House Bill No. 664.

The Chair laid before the Senate on second reading the following bill:  
By Mr. Brice:

H. B. No. 664, A bill to be entitled "An Act providing that in counties of not less than thirty-four thousand seven hundred and not more than thirty-five thousand inhabitants according to the 1920 Federal census, and having a tax valuation of not less than \$8,800,000 and not more than \$8,900,000, according to the approved tax rolls of 1928, the commissioners court may appoint a county auditor, and providing that said commissioners court shall have the power of removing said auditor so appointed."

The Committee report carrying amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Wirtz the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 664 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Hyer.
Berkeley.	Love.
Cousins.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Parrish.
Greer.	Patton.
Holbrook.	Pollard.
Hornsby	Russek.



Small.	Wirtz.
Stevenson.	Witt.
Thomason.	Woodul.
Westbrook.	Woodward.
Williamson.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

**House Bill No. 679.**

The Chair laid before the Senate on second reading the following bill:

By Mr. Graves of Erath:

H. B. No. 679, A bill to be entitled "An Act to amend Title 7, Article 190a, of the Revised Civil Statutes of the State of Texas, 1925, so as to add certain counties."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 679 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Hornsby
Berkeley.	Hyer.
Cousins.	Love.
Cunningham.	Martin.
DeBerry.	McFarlane.
Gainer.	Miller.
Greer.	Parrish.
Holbrook.	Patton.

Pollard.	Williamson.
Russek.	Wirtz.
Small.	Witt.
Stevenson.	Woodul.
Thomason.	Woodward.
Westbrook.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

**House Bill No. 712.**

The Chair laid before the Senate on second reading the following bill:

By Mr. Pavlica:

H. B. No. 712, A bill to be entitled "An Act to exempt male persons residing in Fayette county, Texas, from road duty by paying to the county tax collector of said county the sum of three dollars annually."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Russek the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 712 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Holbrook.
Berkeley.	Hornsby
Cousins.	Hyer.
Cunningham.	Love.
DeBerry.	Martin.
Gainer.	McFarlane.
Greer.	Miller.

Parrish.	Westbrook.
Patton.	Williamson.
Pollard.	Wirtz.
Russek.	Witt.
Small.	Woodul.
Stevenson.	Woodward.
Thomason.	

Absent—Excused.

Hardin.	Neal.
Moore.	Parr.

#### Executive Session.

At 11:45 o'clock a. m., the Chair announced that the hour for the executive session had arrived. The chamber was cleared and the doors were locked.

#### After Executive Session.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,  
Austin, Texas, Feb. 25, 1929.  
Hon. Barry Miller, President of the Senate,

Sir: We, your Committee on Governor's Nominations, to whom was referred nominations made by Governor Dan Moody, having had the same under consideration, beg leave to make the following report:

We report the name of J. A. Phillips, and ask that he be not confirmed as a member of the State Board of Public Accountancy.

WILLIAMSON, Chairman.

The report was read and adopted.

Committee Room,  
Austin, Texas, Feb. 25, 1929.  
Hon. Barry Miller, President of the Senate,

Sir: We, your Committee on Governor's Nominations, to whom was referred nominations made by Governor Dan Moody, having had the same under consideration, beg leave to make the following report:

We report the following names to the Senate, with the recommendation that they be confirmed:

To be Public Weighers of Galveston, Texas: E. K. Marrast; J. J. Lauve, J. A. Straub, C. M. Shannon, J. E. Labuzan, V. A. Smith, O. R. Hoecker, A. C. Still, A. S. Bowers, F. W. Parker, Worthy Boyd, Melvin B. Green, J. C. Murphy, J. B. Gibson, H. T. Nelson, Ernest G. Lewis, C. M. Wolston, J. A. Shannon, T. T. Her-

zog, John Garrison, George Sykes, M. C. Hoecker.

To be Public Weighers of Texas City, Texas: Harold Tarpey, Sam Walker, T. A. Bynum.

To be District Attorney of the One Hundred and Ninth Judicial District, Honorable Roy I. Biggs.

To be District Judge of the Thirty-first Judicial District, Honorable Reese Ewing.

To be District Attorney of the Thirty-first Judicial District, Honorable Clifford Braly.

To be District Judge of the Eighty-fourth Judicial District, Honorable Newton P. Willis.

To be District Attorney of the Eighty-fourth Judicial District, Honorable J. A. Holmes.

To be District Judge of the Criminal District Court of Jefferson county, Honorable R. L. Murray.

To be District Judge of the One Hundred and Ninth Judicial District Honorable J. A. Drane.

To be District Judge of the One Hundred and Tenth Judicial District Honorable Kenneth Bain.

To be District Attorney of the One Hundred and Tenth Judicial District A. J. Folley.

To be District Judge of the One Hundred and Eleventh Judicial District, Honorable John A. Valls.

To be District Attorney of the Forty-ninth Judicial District, Honorable R. L. Bobbitt.

To be member of the State Board of Public Accountancy, Y. D. Harrison, Jr.

To be members of the Texas Prison Board: W. M. Odell, Joe Wearden, F. L. Tiller, J. B. H. Hold-erby.

WILLIAMSON, Chairman.

The report was read and adopted.

#### Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their caption had been read, the following bills:

S. C. R. No. 33	S. B. No. 334.
S. B. No. 90.	S. B. No. 199.
S. B. No. 91.	S. C. R. No. 19
S. B. No. 279.	S. B. No. 35.

#### Recess.

On motion of Senator Hyer, the

Senate, at 12:15 o'clock p. m., recessed until 2:00 o'clock p. m.

#### After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Barry Miller.

#### S. J. R. No. 10.

The Chair laid before the Senate, on third reading, the following resolution:

S. J. R. No. 10, Proposing to amend Article 3 of the Constitution of the State of Texas by adding to Section 48 thereof a provision authorizing the levying of taxes for highway purposes and by adding to Section 49 of said article a provision enabling the Legislature to provide for the extension of the credit of the State for the purpose of the construction and maintenance of a system of highways and reimbursing outlays and assuming obligations, made by counties and defined road districts of the State therefor.

Senator Hornsby sent up the following amendment:

Amend C. S. S. J. R. No. 10 by striking out all of paragraph 2 on page 3 of the engrossed resolution from and including the word "provided" in the first line, to and including the word "obligations" in line 6 of said paragraph; and insert in lieu thereof the following:

"Provided further, that the Legislature shall apply the revenues arising from occupation taxes levied on the business of selling gasoline or other substances or agencies used for propelling motor vehicles, or as fuel for such vehicles, or the revenues arising from sales, taxes, or other taxes levied on gasoline or other substances or agencies used for propelling motor vehicles or as fuel for such vehicles, to the payment of the interest and the redemption of any bonds or other certificates of indebtedness issued under the terms hereof."

But, it is expressly stipulated and specially provided herein and hereby that such bonds or other evidences of indebtedness shall never become a charge against or lien upon

any homes, farms, or other real property within this State.

HORNSBY,  
MOORE.  
BERKELEY.

The amendment was read and adopted by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Nays—2.

Martin. McFarlane.

Absent.

Cunningham. Russek.

Absent—Excused.

Neal.

Senator Pollard sent up the following amendment:

Amend C. S. S. J. R. No. 10 of the engrossed resolution by adding after the word "fund" on page 3, line 19, a period, and striking out the following:

"And provided further that by a referendum vote of the qualified voters submitted by the Legislature said limit of \$100,000,000.00 for highway construction and improvement may be increased from time to time to such sum as by such vote may be determined."

POLLARD.

The amendment was read.

Senator Greer moved to table the amendment. The motion prevailed by the following vote:

Yeas—15.

Beck.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Moore.	Witt.
Parrish.	Woodul.
Patton.	Woodward.
Small.	

## Nays—12.

Berkeley.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Parr.
Hyer.	Pollard.
Love.	Wirtz.

Absent.

Cousins.	Russek.
Hardin.	

Absent—Excused.

Neal.

Senator Holbrook moved the previous question on the final passage of the bill. The previous question was ordered by the following vote:

## Yeas—17.

Beck.	Patton.
Berkeley.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Witt.
Love.	Woodul.
Moore.	Woodward.
Parrish.	

## Nays—11.

Cunningham.	Miller.
DeBerry.	Parr.
Gainer.	Pollard.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	

Absent.

Cousins.	Russek.
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Absent—Excused.

Neal.

The resolution as amended passed by the following vote:

## Yeas—21.

Beck.	Patton.
Berkeley.	Small.
Cousins.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Moore.	Woodward.
Parrish.	

## Nays—7.

Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Parr.
Hyer.	

Present—Not Voting.

Pollard.

Absent.

Russek.

Absent—Excused.

Neal.

## Reasons for Vote.

Senators Berkeley and Martin sent up their reasons for their vote on S. J. R. No. 10.

(See Appendix.)

## House Bills Referred.

H. B. No. 678 referred to Committee on Civil Jurisprudence.

H. B. No. 690 referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 489 referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 436 referred to Committee on Criminal Jurisprudence.

H. B. No. 247 referred to Committee on Criminal Jurisprudence.

H. B. No. 718 referred to Committee on Penitentiaries.

H. B. No. 117 referred to Committee on State Affairs.

## Simple Resolution No. 79.

Senator Wirtz raised the point of order that Simple Resolution No. 79 should have been referred to the Committee on Rules. The Chair sustained the point of order and referred the resolution to the Committee on Rules.

## Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 34, Requesting the return of H. B. No. 686 to the Senate for the further consideration of the Senate.

S. C. R. No. 31, Providing for the inviting of the Hon. Herbert Hoover to El Paso during the 11th annual convention of the West Texas Chamber of Commerce.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 678, A bill to be entitled "An Act to provide for the selection of special venire in cases in counties having a population of at least 16,775 and not more than 17,000, as shown by the preceding Federal census."

H. B. No. 690, A bill to be entitled "An Act to create and validate water control and improvement district No. 1 in Hidalgo county Texas, as a conservation and reclamation district; validating and approving all orders made by the commissioners court of the said county in respect to the original organization of Hidalgo county water improvement district No. 4 under Article 3, Section 52, of the Constitution."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives

#### Motion to Reconsider.

Senator Wirtz move to reconsider the vote by which the Senate finally passed S. J. R. No. 7. The motion prevailed.

Senator Wirtz sent up the following amendment:

Amend S. J. R. No. 7 by striking out figure "2" in Section 1, and insert in lieu thereof the figures "11."

WIRTZ, Chairman.

The amendment was read and adopted unanimously.

The resolution as amended passed finally by the following vote:

Yeas—30.

Beck.

Berkeley.

Cousins.  
Cunningham.  
DeBerry.  
Gainer.  
Greer.  
Hardin.  
Holbrook.  
Hornsby.  
Hyer.  
Love.  
Martin.  
McFarlane.  
Miller.  
Moore.

Parr.  
Parrish.  
Patton.  
Pollard.  
Russek.  
Small.  
Stevenson.  
Thomason.  
Westbrook.  
Williamson.  
Wirtz.  
Witt.  
Woodul.  
Woodward.

Absent—Excused.

Neal.

#### Motion to Reconsider.

On motion of Senator Wirtz the vote by which S. B. No. 114. was finally passed was reconsidered.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 114, line 9 of the caption of the enrolled bill by striking out the figures "2592" and in lieu thereof insert the figures "2529."

WIRTZ.

The resolution was read and adopted unanimously.

The bill as amended passed finally by the following vote:

Yeas—30.

Beck.  
Berkeley.  
Cousins.  
Cunningham.  
DeBerry.  
Gainer.  
Greer.  
Hardin.  
Holbrook.  
Hornsby.  
Hyer.  
Love.  
Martin.  
McFarlane.  
Miller.

Moore.  
Parr.  
Parrish.  
Patton.  
Pollard.  
Russek.  
Small.  
Stevenson.  
Thomason.  
Westbrook.  
Williamson.  
Wirtz.  
Witt.  
Woodul.  
Woodward.

Absent—Excused.

Neal.

#### S. J. R. No. 19.

The Chair laid before the Senate on third reading the following resolution:

S. J. R. No. 19 A bill to be entitled "Proposing an amendment to Section 5 of Article 3 of the Constitution of

the State of Texas fixing the terms for convening the Legislature of the State of Texas, providing that the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon confirmation of recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; etc."

The resolution was read third time and finally passed by the following vote:

Yeas—~~22~~ 23

Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodward.
Miller.	

Nays—1.

McFarlane.

Absent.

Beck.	Russek.
Martin.	Williamson.
Parrish.	Woodul.

Absent—Excused.

Neal.

#### S. J. R. No. 17.

The Chair laid before the Senate on third reading the following resolution:

S. J. R. No. 17, A joint resolution "Proposed amendment to Sections 15, 21 and 23, Article 5 of the Constitution of the State of Texas, relating to the amendment of Article 5, Sections 15, 21 and 23 of the Constitution of the State of Texas, abolishing the fee system of compensation of the offices of county judge, county attorney and sheriffs; providing that such officers be paid salaries, and further providing that the Legislature pass laws necessary to carry out the intent of this Act, and to fix the amount of such salaries to be paid the respective officers."

The resolution was read third time

and finally passed by the following vote:

Yeas—26.

Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
Miller.	Woodward.

Nays—1.

McFarlane.

Absent.

Beck.	Woodul.
Russek.	

Absent—Excused.

Neal.

#### Senate Joint Resolution No. 8.

The Chair laid before the Senate on second reading the following resolution:

S. J. R. No. 8, A Joint Resolution proposing an amendment to the State Constitution so as to authorize the submission to the people of Constitutional Amendments at Special Sessions of the Legislature as well as at biennial sessions thereof.

The resolution was read second time and passed to engrossment.

#### Senate Joint Resolution No. 9.

The Chair laid before the Senate on second reading the following resolution:

S. J. R. No. 9, A joint resolution proposing an amendment to the Constitution of the State of Texas fixing the compensation of the Governor.

The resolution was read second time. The committee substitute was adopted and passed to engrossment.

#### Senate Joint Resolution No. 21

The Chair laid before the Senate on second reading the following resolution:

S. J. R. No. 21, A joint resolution

proposing an amendment to Section 23 of Article 4 of the Constitution of the State of Texas, fixing the compensation of the State Comptroller of Public Accounts, the State Treasurer and the Commissioner of the General Land Office, providing for an election upon such proposed Constitutional amendment, and making an appropriation therefor.

The resolution was read second time.

Senator Thomason sent up the following amendment:

Amend Section 2, by striking out all the wording therein, and inserting, in lieu thereof, the following:

"The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on July 26, 1930, at which election, all ballots shall have printed thereon 'For the constitutional amendment fixing the compensation of the State Comptroller of Public Accounts, the State Treasurer and the Commissioner of the General Land Office' and 'Against the constitutional amendment fixing the compensation of the State Comptroller of Public Accounts, the State Treasurer and the Commissioner of the General Land Office.' Each elector shall scratch out one of the said clauses on the ballot, leaving one expressing his vote on the proposed amendment.

THOMASON.

The amendment was read and adopted.

The resolution as amended passed to engrossment.

#### Senate Joint Resolution No. 25

The Chair laid before the Senate on second reading the following resolution:

S. J. R. No. 24, A joint resolution proposing an amendment to Article 8 of the Constitution of the State of Texas by adding thereto Section 20, providing that all property of the American Legion from which no profits, rents or revenues are derived by said Legion is exempt from all taxation in this State; providing for an election on said amendment and making an appropriation for same.

The resolution was read second time and passed to engrossment.

#### Senate Joint Resolution No. 25

The chair laid before the Senate

on second reading the following resolution:

S. J. R. No. 25, A joint resolution "Proposing an amendment to the Constitution of Texas providing that the State may collect license fees on motor vehicles operated for hire or tolls, but license fees on motor vehicles not operated for hire or tolls may be levied for county and district road purposes only; providing for an election to be held on said amendment; and making an appropriation to pay the expense of issuing the proclamation and holding said election."

The resolution was read second time.

Senator Love sent up the following amendment:

Amend Section 1 of S. J. R. No. 25 so as to read as follows:

Section 1. That the Constitution of the State of Texas be amended by inserting as a part of Article 8, a new Section to be numbered Section 4 (a) which shall read as follows:

Sec. 4(a) The State may impose a registration fee, to cover the cost of registration, upon all motor vehicles and may collect license fees, in addition, upon motor vehicles operated for hire or tolls, but license fees on motor vehicles not operated for hire or tolls may be levied for County and District Road purposes, only.

LOVE.

The amendment was read and adopted.

The resolution as amended passed to engrossment.

#### Motion to Reconsider.

Senator Small moved to reconsider the vote by which H. B. No. 686 was finally passed.

The motion prevailed.

On motion of Senator Small the bill was re-committed to the Committee on State Affairs.

#### House Bill No. 58.

The Chair laid before the Senate on second reading the following bill:

By Mr. Pope of Nueces:

H. B. No. 58, A bill to be entitled "An Act to amend Chapter Three of Title 67 of the 1925 Revised Civil Statutes of the State of Texas, by adding thereto Article 4054a, to provide that sand and other deposits taken for the raising of the grade of

the salt flats in the northern part of Corpus Christi and the lowlands lying north of the northern boundary line in the city of Corpus Christi, in Nueces county, Texas, and south of the boundary line of the town of Portland, in San Patricio county, Texas, shall be exempt from the provisions of said Title 67, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 58 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Woodul.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

### Senate Bill No. 601.

The Chair laid before the Senate the following bill:

S. B. No. 601, A bill to be entitled "An Act to make an appropriation of the sum of Eighty Thousand Dollars (\$80,000.00) or so much thereof as may be necessary payable out of the General Revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the 41st Legislature of the State of Texas, and to pay the contingent expenses of the Regular Session of the 41st Legislature of the State of Texas, and to pay any unpaid expenses incurred by the 40th Legislature of the State of Texas, and providing for the approval of accounts, and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended.

The Committee report was adopted.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 601 was put on its second reading by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 601 was put on its third reading and final passage, by the following vote:



## Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

## Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

## Absent—Excused.

Neal.

## Adjournment.

Senator Woodward moved to adjourn until 10:00 o'clock Thursday morning.

Senator Greer moved that the Senate recess until 8:00 o'clock to-night.

The motion to adjourn prevailed.

At 5:45 the Senate adjourned.

## APPENDIX.

## Petitions and Memorials.

Senator Moore of Hunt county sent up the following to be printed in the Journal:

## (TELEGRAM.)

Farmersville, Texas, Feb. 22, 1929.  
Senator Joe M. Moore,  
Austin, Texas.

Your apparent disapproval of the proposition of submitting to a vote of the people the constitutional amendment for a State bond issue for highways to be returned by a gasoline tax is not in accordance with the wishes of a large number of your constituents in this locality. This body earnestly requests that you wholeheartedly support and vote for the so-called Sterling Plan

M. A. JONES,

Secretary Farmersville Chamber of Commerce.

W. H. JOUETT,  
Secretary Lions Club.

## (TELEGRAM.)

Austin, Texas, Feb. 23, 1929.

M. A. Jones,  
Chamber of Commerce,  
Farmersville, Texas.

You have been misled about road bond proposal. The pending measure would allow a tax on real estate and personal property as well as gas. I will not support the measure until property owners are protected and tax confined exclusively to gas. If proponents are sincere they should be honest enough to give you the correct information. I will not be browbeaten by this misrepresentation to my constituents.

JOE M. MOORE.

Farmersville, Texas, Feb. 23, 1929.  
Senator Joe Moore,  
Austin, Texas,

Dear Senator:

Confirming our telegram signed by us with the Lions Club asking your support of the Sterling Plan for a gas tax beg to also acknowledge receipt of your wire of this date, advising that the measure also provides for a tax on real estate and personal property.

We are heartily in accord with your stand in that we are not in favor of any measure that does not confine the tax exclusively to gas. We were under the impression that this measure included no tax on real estate and personal property but applied only to gas when we asked your support of same.

We are holding to our original

position that being for a gas tax and state bond issue to be liquidated exclusively by a gas tax and by no other means.

Please accept our sincere thanks for your prompt answer to our wire.

Yours very truly,

CHAMBER OF COMMERCE,

By M. A. Jones, Secretary.

The following statement, sent up by Senator Moore, was taken from the Greenville Morning Herald and the Greenville Evening Banner of Feb. 24, 1926:

"If the man who sat in room one thirty-five, Austin Hotel, of this city Thursday afternoon and phoned a long distance to the Greenville Chamber of Commerce, had wanted to tell the whole truth, he should have stated why I am opposed to road bond issue as proposed in pending measure. I do not propose to be brow-beaten into yielding on a principle through misrepresentation by propagandists with selfish interests to serve. I will not now nor in the future vote to submit a constitutional amendment for road bonds that will allow a tax on real and personal property.

"If the advocates are honest in their claims they will agree to strike out the ad valorem tax provision and tax only gasoline for which I have been fighting and for which I propose to continue to fight as long as I represent the taxpayers of the Tenth Senatorial District."—JOE M. MOORE.

#### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 334 carefully examined and compared, and find the same correctly enrolled, and have this day, at 3 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 279 carefully examined and compared,

and find the same correctly enrolled, and have this day, at 3 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 90 carefully examined and compared, and find the same correctly enrolled, and have this day, at 3 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 19 carefully examined and compared, and find the same correctly enrolled, and have this day, at 3 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 199 carefully examined and compared, and find the same correctly enrolled, and have this day, at 3 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 91 carefully examined and compared, and find the same correctly enrolled, and have this day, at 3 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 35

carefully examined and compared, and find the same correctly enrolled, and have this day, at 3 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 33 carefully examined and compared, and find the same correctly enrolled, and have this day, at 3 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 592 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 589 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 587 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 579 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 576 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 575 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 570 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 531 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 515 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 457 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 303 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 203 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 292 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 461 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 560 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 17 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 19 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 480 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 498 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Feb. 26, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 461, A bill to be entitled "An Act to prohibit the building, construction, extension, operation or maintenance of any pipe line leading into the waters of the Gulf of Mexico, which pipe line is used or designed to be used for transporting, handling, loading, unloading or discharging oil, gas or any derivative of oil or gas, or any other product or commodity susceptible of being transported into tanks, ships, vessels, barges, or any water-craft or any agency for loading water-craft, and providing a penalty and imposing upon the Attorney General of Texas the duty of bringing timely suit to prevent and restrain the violation of this Law, and fixing the jurisdiction and venue of such actions; and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass with committee amendments.

STEVENSON, Chairman.

Committee Amendments.

Amend H. B. No. 461, Section 1 on page 2 of the original bill in line 2 by inserting after the word "inlet" and before the word "or" the words "inland waters."

Amend H. B. No. 461, Section 1, line 11 of the original bill, by inserting between the word "water" and the word "or" the word "bays."

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 601, A bill to be entitled "An Act to make an appropriation of the sum of Eighty Thousand Dollars (\$80,000.00), or so much thereof as may be necessary, payable out of the General Revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the 41st Legislature of the State of Texas, and to pay the contingent expenses of the Regular Session of the 41st Legislature of the State of Texas, and to pay any unpaid expenses incurred by the 40th Legislature of the State of Texas, and providing for the approval of accounts and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 637, A bill to be entitled "An Act to validate the authorization, issuance and sale of certain school bonds issued by the Phenix Independent School District, of Kaufman County, Texas, and providing for their payment by the annual levy, assessment and collection of general Ad Valorem taxes on all

property in said District, approving and validating all orders of the Board of Trustees of said district, bonds and taxes; and changing the name of said district to the "Stubbs Independent School District of Kaufman County, Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 675, A bill to be entitled "An Act providing for a Rural School Supervisor in lieu of the Teachers' Institute as required under Article 2691, and providing for the payment of the salary of said Rural School Supervisor, in counties having a population of 31,000 to 31,789, according to the Federal census of 1920, and a scholastic population of not less than 9,300 as shown by the scholastic census report for the school year 1928-29; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee an Educational Affairs, to whom was referred

S. B. No. 595, A bill to be entitled "An Act relating to the duties of the county board of education and the county superintendent of counties with an area of nine hundred and seventy-seven square miles and a population of not less than 15,000 nor more than 20,000 according to the last preceding Federal census; providing for method of election of the county board of education; authorizing the appointment of the county superintendent, and the employment of an assistant; authorizing the nomination of the teachers

of the Common School Districts subject to the confirmation of the local trustees; authorizing the county superintendent to make all purchases for supplies when the consideration is more than \$25.00, repealing all laws or parts of laws, General or Special, in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 574, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 535, A bill to be entitled "An Act amending Article 36 of the Penal Code of 1925 so as to provide a rule in reference to evidence and defenses in criminal cases relative to temporary insanity caused by the recent voluntary use of intoxicating liquor or any narcotic or any narcotic drug or any marihuana, and relating to the instructions to the jury relative thereto; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred

H. B. No. 699, A bill to be entitled "An Act creating a more efficient Road System for Robertson County, Texas, etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 346, A bill to be entitled "An Act to amend Article 5453 of the Revised Civil Statutes of Texas, 1925, relating to liens of mechanics, contractors, material, men and laborers; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 63, A bill to be entitled "An Act to prohibit justices of the peace, sheriffs, constables and other peace officers from taking for collection any claim for debt except by the process of law; prescribing the duties of such officers and prescribing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 552, A bill to be entitled "An Act validating the appointment of guardians when citation was published as provided in Chapter 179, Acts Regular Session 1917, being now Article 28 of the Revised Civil Statutes of Texas, 1925, and where such citation was not published as provided in Article 4115 of the Revised Civil Statutes of Texas 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 208, A bill to be entitled "An Act to amend Section 9, Chapter 156 of the Acts of the Regular Session of the Fortieth Legislature relating to the salaries, compensation, expenses, expenditures of Administrative Judicial Districts so as to have same hereafter paid by the respective counties of such districts in proportion to the number of weeks provided by law for holding district court in said respective counties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 489, A bill to be entitled "An Act to clarify and make adequate the law regulating water control and improvement districts, and to cause the same to comport with Section 59 of Article XVI of the Constitution of Texas."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass and be not printed because the same was printed under S. B. No. 445.

STEVENSON, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 597, A bill to be entitled "An Act to provide for the extension of the term of oil and gas Permit No. 11752 from a period of two years to a period of five years from its date, and creating an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 602, A bill to be entitled "An Act adding Article 6899a to Chapter 1 of Title 121 of the Revised Civil Statutes of 1925 relating to marks and brands of livestock; requiring owners of livestock mentioned in said Chapter to record same with the county clerk within a certain length of time after this Act takes effect; further regulating marks and brands; providing that this Act shall apply to Matagorda county only; providing regulations so that after the expiration of a certain length of time only records of marks and brands recorded after this Act takes effect shall be considered; enacting other provisions incidental to said purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARR, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Com-

mittee on State Affairs, to whom was referred

H. B. No. 596, A bill to be entitled "An Act providing for a Civil Service Commission in certain counties for certain offices and providing for competitive examination and providing for a Board of Appeal, designating the members of the Commission and providing for a secretary and fixing their salaries and the manner of payment thereof, providing manner of the examination and selection of employees by Commission, and providing manner of their discharge; and declaring an emergency."

Have had the same under consideration, and beg to differ with the majority of your Committee and report the bill back to the Senate with the recommendation that it do not pass.

HARDIN,  
HOLBROOK,  
HORNSBY.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 313, A bill to be entitled "An Act declaring the wild beaver, wild otter, wild mink, wild ringtail cat, wild badger, wild polecat, or skunk, wild raccoon, wild o'possum, wild fox and wild civet-cat to be fur-bearing animals; making it unlawful to take or have in possession any pelt of any fur-bearing animal at any time other than from November 30 to February 1; providing however, pelts taken during the open season therefor may be possessed an additional ten days after January 31; providing that it shall be unlawful for any person at any time to take or kill by trap, snare, deadfall, or any mechanical device any fur-bearing animal in any of the counties to which this Act applies; providing this Act shall not prevent an owner nor any of his family, killing any of said animals within one hundred feet of his residence or outhouse thereabout by any means whatever, while said fur-bearing animals are depredating upon his property, but prohibiting buying or selling said animals or pelts when taken for said reason; at any time other than from November 30th to February 1st; pro-

viding this Act shall not apply to wolf trappers employed by the United States Government, the State of Texas or the commissioners' court of the counties included in this Act from trapping wolves by setting their traps other and elsewhere than in trails, paths, roads and on logs or within ten feet thereof, nor to taking of said animals, within the bounds of State Game Preserves located in any of the counties to which this Act applies when taken under the Game, Fish and Oyster Commissioner's direction and for use of said department; providing this Act shall apply only in the following counties, viz: Cherokee, Lee, Callahan, Eastland, Caldwell, Angelina, Hardin, Harris, Nacogdoches, Panola, Polk, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Williamson, Bexar, Wilson, Liberty, Fort Bend, Brazoria, Jefferson, Matagorda, Anderson, Sabine, Llano, Delta, Hopkins, Lamar, Madison, Franklin, Johnson, Orange, Palo Pinto, Montague and Brown; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 522, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 9, 12, and 13 of Chapter 88, General Laws of the First Called Session of the Fortieth Legislature of 1927, being an Act declaring unlawful the sale or offer for sale, transportation, preparation, receiving or delivery for transportation or marketing of citrus fruit that is immature, unripe, overripe, frost damaged or otherwise unfit for consumption and sale thereof declared to be a fraud upon the public, defining terms; providing for the inspection of citrus fruits and issuance of certificates of inspection thereof, providing for the purchase and affixing of stamps in connection with the marketing or transportation of such citrus fruits; provid-



ing for the appointment of persons to inspect the same and fixing their compensation; defining certain offenses; prescribing the power and duties of the Commissioner of Agriculture with regard to the provisions of this Act, authorizing him to make reasonable rules and regulations for the proper administration of this Act, providing for the enforcement thereof, and prescribing penalties for violation of any of the provisions of this Act, making an appropriation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CUNNINGHAM, Chairman.

Committee Room.

Austin, Texas, Feb. 26, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 259, A bill to be entitled "An Act to amend Article 7631 of the Revised Civil Statutes of Texas of 1925, providing for the regulating of elections to be held in water improvement districts and defining who are qualified voters in water improvement districts and authorizing the commissioners' court to order the first election, create the proposed district into one or more election precincts, name the polling places, appoint officers of elections, providing for the preparation of ballots and the wording that shall be placed on such ballots and to amend Article 7641 of said Statutes defining who shall be eligible to hold office in water improvement districts and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

STEVENSON, Chairman.

By Johnson of Dimmit. H. B. No. 259

A BILL

To Be Entitled

An Act to amend Article 7631, of the Revised Civil Statutes of Texas, of 1925, providing for the

regulating of elections to be held in water improvement districts and defining who are qualified voters in water improvement districts and authorizing the commissioners' court to order the first election, create the proposed district into one or more election precincts, name the polling places, appoint officers of election, providing for the preparation of ballots and the wording that shall be placed on such ballots and to amend Article 7641, of said Statutes, defining who shall be eligible to hold office in water improvement districts; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7631 of the Revised Civil Statutes of Texas of 1925 be and the same is hereby amended so as to hereafter read as follows:

"Article 7631. Who May Vote. The manner of conducting elections herein, provided for shall be governed by the General Election Laws of the State except as herein, otherwise provided. Any qualified voter under the Laws of Texas, residing in a county where said water improvement district or any part thereof, is situated and owning real estate by recorded title within and being a part of said water improvement district shall be entitled to vote at all elections regardless of whether or not such voter lives in or out of said Water Improvement District itself; any such voter who resides outside of the district itself shall vote in the precinct in said water improvement district nearest to his said residence. The county commissioners' court shall at the time of ordering said first election, by an order entered of record, create said proposed district, or the part thereof, within said county into one or more election precincts and shall name a polling place in each voting precinct, and shall appoint two judges and two clerks for each polling place, one of the judges to be designated as presiding judge. If said officer so elected fail to serve, his place shall be filled in the manner provided by the General Election Laws. The court shall order printed one and one-half times as many ballots for said elec-

tion as there are estimated to be qualified voters within such district. Said ballots for said election shall have printed thereon, substantially the following: "For water improvement district," "Against water improvement district," "For issuance of notes of said district," "Against issuance of notes of said district," and said ballot shall contain five blank lines upon which to write names of persons voted for, for the office of director with a heading, "For directors, five to be elected." No other matter shall be placed on the ballot except the heading "Official Ballot."

Sec. 2. That Article 7641, of the Revised Civil Statutes of Texas, of 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 7641. All persons who are qualified voters in any water improvement district under Article 7631, as amended in this Act shall be eligible to hold the office of director or any other office provided by law in said water improvement district."

Sec. 3. The fact that there is now no law providing that the owner of real estate in water improvement districts, and who are residents of the county in which said district or a part thereof, is situated and are qualified voters can vote in the conduct and management of the affairs of said water improvement district, and that there is no law properly restricting the qualifications of those who may hold office in said water improvement district, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(Majority Report.)

Committee Report,  
Austin, Texas, Feb. 27, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Penitentiaries, to whom was referred

H. B. No. 567, A bill to be entitled "An Act providing for the centralization of the Texas Prison System;

increasing the duties, powers and functions of the Texas Prison Board providing for the construction and building of adequate prison walls and houses upon the site selected in Brazoria County, and providing for the removal of the prisoners from the present penitentiary to the new location and for the abandonment and sale of certain property now being occupied by the prison at Huntsville and certain prison farms; providing that power shall be vested in the State Board of Control to buy supplies, products and manufactured articles from the State Prison System for the use of the State and its institutions; making an appropriation to be used in carrying out this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass but that the following Senate Substitute Bill hereto attached do pass in lieu thereof; and that it be printed in the Journal and not otherwise.

McFARLANE, Chairman.

C. S. H. B. No. 567.

#### A BILL

#### To Be Entitled

An Act relating to the State Penitentiary and the State Prison System; increasing the duties, powers and functions of the Texas Prison Board; providing for the re-organization of the prison system; making provisions for the sale of the prison farms and centralization of the Texas Prison System; providing for a Board for the valuation and sale of the present prison properties; and for a Board for the selection of the location for the centralization of the System; providing for power in the State Board of Control to buy supplies, produce and manufactured articles from the State Prison System for use by the State; and providing for the establishment of a Prison Reformatory within the Texas Prison System for young, short-term prisoners; making an appropriation to be used in carrying out this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Texas Prison Board is hereby empowered and di-

rected to formulate policies and plans for the reorganization and centralization of the prison system, and for the more efficient control and operation of said system.

The Attorney General, the Lieutenant Governor, and the Speaker of the House of Representatives shall act in conjunction with the Texas Prison Board in the formulation of said policies and plans for the reorganization and centralization of said prison system. The policies and plans for the reorganization of said system and a site for its centralization shall be determined by said Texas Prison Board, the Attorney General, the Lieutenant Governor and the Speaker of the House of Representatives, at the earliest practical date. In the formulation of such policies and plans and the selection of such site, the Prison Board, and the other officers named, shall be entitled to the assistance of such members of the faculty and other employees of the A. & M. College, the University of Texas, and the Texas Technological College as may be called upon and asked for assistance. The actual expenses incurred by any employees or faculty members of either or said institutions in assisting said Board shall be paid by the Texas Prison Board out of any funds appropriated for the support of the prison system.

The said Board and other officers named shall first make a thorough investigation to determine whether it is practical and economical to locate, centralize and operate the prison system on some land owned by the State, it being the legislative desire to locate same on some part of said land if consistent with the present and future economical and practical development of the Prison System.

In event it is conclusively shown that no land owned by the State is suitable for use in centralizing said system, then said Board and officers shall take such steps as may be necessary to obtain a suitable location for said system on other lands, but on properties reasonably contiguous. In event it is found desirable to use part of the land now owned by the State as a location for said system the said Board is authorized to acquire such additional contiguous land as may be necessary for a

proper reorganization and centralization of said system.

As soon as said policies and plans for the reorganization and centralization of the prison system has been determined upon, and as soon as a site has been selected for the centralization of the prison system, the Prison Board, in conjunction with the Attorney General, Lieutenant Governor and the Speaker of the House of Representatives shall make a report of said plans and said selection of site to the Governor, and cause a copy of said report to be given to the newspapers for publication, and they shall further cause a copy of said report to be mailed to each member of the Texas Legislature.

Sec. 2. In effecting the reorganization and centralization of the prison system, if it is found desirable to sell any of the present prison lands or other property, or otherwise dispose of the same, then such land or property shall be sold or otherwise disposed of in the manner hereinafter provided. The centralization of the prison system shall be accomplished upon properties of a contiguous nature, and, if other property is found desirable as a site for such centralized prison system, then the same may be acquired in the manner hereinafter provided, provided that said Board shall not have authority to locate said system, or any part thereof, in the following counties: Fayette, Colorado, Austin, Lavaca and Waller; provided that said Board shall not have authority to locate said system, or any part thereof in the following counties: Parker, Palo Pinto, Denton, Wise, Jack and Montague; provided that said Board shall not have authority to locate said system, or any part thereof, in the counties of Bexar, Bandera, Kendall and Kerr, or in either of said counties; provided that said Board shall not have authority to locate said system, or any part thereof in the counties of Blanco, Caldwell, Comal, Gonzales, Guadalupe and Hays, or in either of said counties.

Sec. 3. If it is found desirable or necessary to sell any of the real property now belonging to the State prison system in order to effect an economical centralization and reorganization of such system, then such

property shall be sold in the order which in the judgment of the above named Board shall be best for the interest of the State.

All such lands as may be subject to cultivation and farming shall be divided into tracts, in the discretion of the Texas Prison Board, the Attorney General, the Lieutenant Governor and the Speaker of the House of Representatives, and sold in such tracts and bodies as may be most advantageous to the interests of the State, in the judgment of the Prison Board, the Attorney General, the Lieutenant Governor and the Speaker of the House of Representatives. Any such lands as are not subject to cultivation and farming may be sold as pasture lands in such bodies and tracts as may be determined upon by the officers before named. The Texas Prison Board, acting in conjunction with the Attorney General of the State, Lieutenant Governor and the Speaker of the House of Representatives then in office, shall divide said lands for placing on the market, classify the respective tracts and place a minimum sale price upon each such tract. As soon as said lands have been so divided, priced and classified, the Prison Board, together with the other officers named, shall present to the Governor of the State a report of said division, pricing and classification, and shall cause a copy of such report to be handed to the newspapers for publication. A copy shall be mailed by said Board to each member of the Texas Legislature. The lands as they come upon the market as herein provided shall be sold to farmers in the order of priority of application upon payment of not less than fifteen (15) per cent of the purchase price, with interest at the rate of five (5) per cent per annum, and the payment of one fifteenth (1-15) part of the remainder of the purchase price each year. All lands so sold shall be upon the condition that the purchaser will begin improvement for the purpose of occupancy and use for the purpose for which the land was classified within a period of two years. The State shall retain a Vendor's Lien to protect all deferred payments, and shall reserve the right to remove prison buildings and improvements. All deeds to said lands shall be executed and acknowledged by the Board of

Prison Directors, the other officers named, and the Governor of the State, and in addition to the Vendor's lien, each deed shall retain to the State of Texas thirty-one thirty seconds (31-32) of the mineral rights in the lands conveyed therein; and the further right upon the part of the State to contract for the sale, lease, production and development of its part of said minerals with the right of ingress and egress in exploring for, developing, producing, saving and marketing said minerals, and for the placing of pipe lines, machinery, and all other appliances and appurtenances necessary thereto. The State and the purchasers of said land may act jointly in the leasing of the same for the development of the mineral rights therein. In making mineral leases on said land for the development and production of the mineral therein the same shall be negotiated and handled by the Texas Prison Board. Any funds derived from said leases or from any minerals produced or marketed therefrom shall be deposited in the State Treasury to the credit of the General Revenue Fund, as other funds required by law to be deposited by the Manager of the State Prison Board.

Sec. 4. Sales of the State Prison lands shall be made through the office of the Commissioner of the General Land office and in accordance with the procedure provided for other lands of the State except as otherwise provided herein, and all funds derived from such sale, or from interest accruing upon deferred payments, shall be credited to the State Prison System land and building account; and all moneys paid into such account shall be available to the Texas Prison Board for the purchase of lands, prison buildings and prison system equipment. Said funds shall be paid out by the State Treasurer upon warrants drawn by the Comptroller against said account, as other expenditures by the Prison Board.

The Prison Board and other officers named shall be authorized, under proper appraisal of sales as herein provided, to effect exchange of prison system lands for other lands useful for Prison System purposes, and so located as to fulfill the requirements of the centralization of the Prison System. Provided, that

in the event advantageous exchanges of lands of the prison system may be effected for other lands acceptable for uses of a centralized Prison location, the order of sales and the dates for such sales of particular farms named, may be suspended upon certification by the members of the Prison Board and by each of the other officers herein named, and the land so designated for exchange may be transferred at any time the Board herein named shall determine and approve; and provided, further, that each such exchange of lands shall bear the approval in writing of the Board herein named as to relative values.

Sec. 5. With the first funds made available and/or from funds derived from the sale of the first lot of lands placed on the market, the Prison Board with the Attorney General of the State, the Lieutenant Governor, and the Speaker of the House of Representatives, shall select and contract for the purchase of a tract of land as advantageously located and as suitable as may be for the establishment of a centralized State Prison property. The new prison location shall be such that additional lands adjoining of suitable character may be acquired from time to time if and when acquired. Title to all lands purchased for the State Prison System shall be approved by the Attorney General, and title to all such lands shall be taken in name of and to the State of Texas. In the acquisition of lands for the use of the Prison System, the Prison Board is directed to arrange such conditions of payment as will permit of the payment therefore from (1) the proceeds of the sale of lands of the Prison System; (2) and/or by the exchange of prison lands therefor; (3) and/or with such funds as may be provided therefor and made available by the Legislature.

Sec. 6. As soon as location for the centralization of said Prison System is determined upon, the Board of Prison Directors and the other Officers herein named shall submit said location in a report to the Governor of the State, and cause a copy of the same to be handed to the Press for publication. One copy of said report shall also be mailed to each member of the Texas Legislature.

Senmi-annually as said lands are

sold and other property acquired for the centralization of the Prison System, the Board of Prison Directors, together with the other officers named, shall make a report to the Governor of the property sold and purchased; a copy of said report shall be handed to the newspapers for publication; and one copy sent to each member of the Texas Legislature, provided, however, that the Prison Board shall not make any contract of any other nature whatsoever to sell any prison real estate, or to buy any new prison property, or to enter into any other contract of any nature whatsoever to carry into effect the purpose of this bill, until said plan shall have been submitted in writing by the Secretary of State of Texas, by registered mail, return receipt requested, to each and every member of the Legislature of Texas, and the return receipts to said members of the Senate and House of Representatives shall have been signed and returned to the Secretary of State by at least eighty (80) per cent of the members of both the Senate and House of Representatives, and a period of forty-five days shall have transpired since the return receipts, signed by eighty (80) per cent of the members of the Senate and House of Representatives, shall have been received by the Secretary of State; and said plans and recommendations of said Commissions shall not become effective at the expiration of said forty-five days if ten members of the Senate and forty-five members of the House of Representatives shall have protested to the Secretary of State in writing by registered mail, return receipt requested, against said plans and recommendations, with the request that the Governor of Texas call a special session of the Legislature to either accept or reject said plans. In the event ten members of the Senate and forty-five members of the House of Representatives shall object to said plans and recommendations within said period of forty-five days, then and in that event, said Prison Commission shall not enter into any contracts to sell or purchase any lands or property to carry into effect any centralization plan of the Penitentiary System until after the Legislature of Texas shall have been called into special session, and shall have accepted or

rejected said consolidation plan. Any contracts entered into by the Prison Board contrary to this provision shall be null and void and of no force and effect.

Sec. 7. Other lands and properties of the State Prison System may be sold by the Board at such times and in such manner as in the judgment of the Board the progress of centralization of the Prison System shall justify, and upon such terms and conditions as may appear most advisable. Provided, the land and prison buildings in Huntsville, Walker County, if useful to the Sam Houston Teachers' College, located at Huntsville, for conversion into school properties, shall be transferred by the Prison Board to that institution for its uses.

Sec. 8. The Texas Prison Board, in the reorganization of the prison system shall undertake, in the manner and to the extent experience and available funds, suggest and permit to provide for the utilization of prison labor in varying useful employments, and particularly in those directions which are calculated to produce food supplies and necessities for all inmates of the State Prison, and supplies and necessities for inmates of the eleemosynary institutions of the State.

Sec. 9. The Board of Control is hereby authorized to make contracts with the State Prison Board for the purchase of supplies, equipment and materials for use by other State institutions, including food, supplies, clothing, shoes, metal utensils and appliances, furniture and fixtures, and any and all other supplies or agricultural or manufactured products, binding, rock crushing, or other labor for use of the State in any of its Departments, Commissions, Boards, offices, or eleemosynary or educational institutions, including any and all supplies, equipment, material, or labor purchased or used by, or for the State, under the direction of the Board of Control. And the State Highway Department is authorized to contract with the State Prison Board for the manufacture, sale and delivery to it of cement, other materials and labor for use in the construction and maintenance of State highways, and highway appurtenances.

Sec. 10. The Texas Prison Board shall, as a part of the reorganized

Prison System, establish a Prison Reformatory, and shall provide for its control and operation under necessary regulations formulated in pursuance of the provisions of this Act, and of the State Prison code.

Sec. 11. Any prisoner sentenced to the State Prison who is not more than twenty-four years of age on the date of his registration at the State Prison and who is serving under conviction for a first offense for a period not exceeding five years, or who may have been sentenced under the indeterminate Sentence Law, shall be eligible to be placed in the State Prison Reformatory. Provided, that in the discretion of the Prison Board, one convicted of a second offense may be placed in such Reformatory.

Sec. 12. The Prison Board shall provide such buildings and equipment of the Prison System for such Prison Reformatory purposes as may be deemed necessary, and shall provide from funds of the State Prison System, or from funds appropriated by the State for the purpose, for the administration and operation of the Prison Reformatory; and shall provide for teaching illiterates to read and write; shall provide for reasonable instruction in moral standards of living, and responsibilities of citizenship, and shall provide as far as found practicable, for giving to each of such white prisoners an elementary training in some trade or occupation or form of employment calculated to enable the person receiving it to successfully maintain himself after the expiration of his term of service; and to this end may establish such manufacturing and other enterprises as shall be found practical and useful to the purpose. And the Board shall provide a unite of the Prison system for the segregation and employment of the negro and Mexican prisons under the age of twenty-four years.

Sec. 13. The same credits allowed on the term of service of other State Prisoners under the provisions of the Prison code shall be recognized in computing the term of service of those placed in the Reformatory. And the Prison Board shall employ a Superintendent of the Prison Reformatory with qualifications of training and experience for the duties of directing the operation and immediate supervision of the said Reformatory, and shall select and

employ teachers and technical instructors and attendants as may be necessary and provide for their payment from Prison revenues, or from funds provided for the purpose.

Sec. 14. The Texas Prison Board shall use all reasonable diligence in providing for the establishment of a service of assisting those State prisoners released from the Prison Reformatory with satisfactory records of discipline and intelligent labor, in securing forms of employment adapted to their training and abilities, and make reasonably diligent effort to encourage such former prisoners to retain regular employment and conduct themselves properly and be self-supporting and law-abiding citizens.

Sec. 15. The sum of Five Hundred Thousand (\$500,000.00) Dollars is hereby appropriated for the first fiscal year of this biennium, and beginning September 1, 1929, and ending August 31, 1930, and Five Hundred Thousand (\$500,000.00) Dollars is hereby appropriated for the second fiscal year of this biennium, beginning September 1, 1930, and ending September 1, 1931, to be made available for the purpose of purchase of lands, building materials and equipment and other expenditures necessary in the construction of buildings and centralization of the Prison system on the site of the new prison property.

Such funds shall be expended under the direction of the Prison Board and be paid out as are other expenditures by the Board.

Sec. 16. All laws or parts of laws in conflict herein are hereby repealed; and if any provision of this Act shall be held ineffective, such finding shall not affect other provisions.

Sec. 17. Provided that if the said Commissioners shall decide to relocate the Penitentiary on other and different land in the State of Texas than that now owned by the Penitentiary System that the same be in no event located in the 12th Senatorial District composed of the counties of Hill, Hood, Johnson, Ellis and Somerville, or either of said Counties.

(Minority Report.)

Committee Room,  
Austin, Texas, Feb. 26, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, a minority, your Committee on Penitentiaries, to whom was referred

H. B. No. 567, A bill to be entitled "An Act providing for the centralization of the Texas Prison System; increasing the duties, powers and functions of the Texas Prison Board; providing for the construction and building of adequate prison walls and houses upon the site selected in Brazoria County, and providing for the removal of the prisoners from the present penitentiary to the new location and for the abandonment and sale of certain property now being occupied by the prison at Huntsville and certain prison farms; providing that power shall be vested in the State Board of Control to buy supplies, products and manufactured articles from the State Prison System for the use of the State and its institutions; making an appropriation to be used in carrying out this Act; and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass.

RUSSEK,  
DeBERRY,  
WIRTZ,  
COUSINS,  
MARTIN,  
MILLER.

By Young et-al.

H. B. No. 567.

#### A BILL

#### To Be Entitled

An Act providing for the centralization of the Texas Prison System; increasing the duties, powers and functions of the Texas Prison Board; providing for the construction and building of adequate prison walls and houses upon the site selected in Brazoria County, and providing for the removal of the prisoners from the present penitentiary to the new location and for the abandonment and sale of certain property now being occupied by the prison at Huntsville and certain prison farms; providing that power shall be vested in the State Board of Control to buy supplies, products and manufactured articles from the State Prison System for the use of the State and its institutions; making an appropriation to be used in carrying

out this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Texas Prison Board is hereby authorized and directed to provide plans and formulate policies for the concentration of the Prison System either on the Darrington or Ramsey farm and for the reorganization of the system for its more efficient control and operation, pursuant to the provisions of this Act.

Sec. 2. To determine the availability and desirability of a location for the concentration of the Prison System on one or the other of said farms mentioned in Section 1 hereof, and for the selection from among the said two prison properties the one deemed best adapted to the judicious and necessary reorganization of the System, a Locating Commission to be composed of the members of the Texas Prison Board is hereby designated.

Sec. 3. The said Prison Board shall have authority to determine the location for the concentration of the Prison System as authorized in the preceding Section of this Act, and shall be authorized to direct the disposition of the Prison Farm designated in Section 4, hereof, not deemed essential to the purpose of concentration and reorganization of the Prison System operation as authorized and directed by the provisions of this Act. In the disposition of said Farm properties known as the Shaw Farm, the Eastham Farm, the Ferguson Farm, the Wynne Farm and the Goree Farm, the same shall be placed upon the market at such time following the designation of a location for concentration of the System as may be practical, and under the conditions named in this Act.

Sec. 4. The Prison Board shall determine the time and notify the Commissioner of the General Land Office when any of the Prison Farms or any portion thereof, namely: The Shaw Farm in Bowie County, Texas; the Eastham Farm in Houston County, Texas; the Ferguson Farm in Madison County, Texas; the Wynne Farm and Goree Farms in Walker County, Texas, may be offered for sale without inconvenience to the Prison System. Whereupon

the Commissioner shall have the land surveyed into sections or other tracts of convenient size, the field notes for which shall be filed in the Land Office and a copy thereof filed in the office of the County Surveyor of the county in which said lands or parts thereof may be located. The Commissioner may exclude roadways of necessity from all acreage surveys. Said land shall be offered for sale in quantities not less than forty acres and multiples thereof unless there be a tract of acreage greater or less than forty acres and not in multiples thereof in which event the Commissioner shall determine the area to be sold and offer it accordingly. The Commissioner shall adopt rules and regulations necessary for the execution of the purposes of this Act including the division and subdivision of the land and may provide for roads and ways of ingress and egress by omitting from surveys all needful ways of necessity. It is mandatory that one-half of the oil, gas and other rights in and under said lands shall be and is hereby reserved to the State. Except as provided in this Act, the regulations, times and terms of the sale of the surveyed public free school land and all rights and privileges, pains and penalties, appertaining to the advertisement, sale and purchase thereof and rights acquired and reserved therein, shall apply to, govern and control the sale and purchase of the land included as if fully written into this Act. The land in the town of Huntsville in Walker County, Texas, shall be disposed of in such manner as the Legislature may hereafter direct, after the usable equipment and improvements thereon and therein have been removed to the place of concentration of the Prison System as provided by this Act. All proceeds arising from any sale under this Act shall be deposited in the State Treasury to the credit of the General Revenue. In the sale of any properties of the Prison System, the privilege of removing improvements useful in the construction of buildings for the centralized system, and for the operation of the system shall be reserved.

Sec. 5. If the Prison Board shall conclude that additional lands are necessary for the efficient development of the Prison System as the



same is concentrated as herein directed, the Prison Board shall report such necessity for such additional lands to the Legislature, together with the description of such lands and all other facts of kind, character, quality and location of such lands and their proximity to the concentrated Prison System as provided herein, together with the price at which such lands are offered to the State; said report shall be in writing and signed by at least three-fourth of said Prison Board, and no lands shall be purchased by said Prison Board until the Legislature shall direct such purchase and the price and terms thereof by bill regularly passed by the Legislature and approved by the Governor of this State.

Sec. 6. When the Prison Board shall decide that any properties owned by the Prison System are no longer needed for the accommodation and employment of the State prisoners said Prison Board shall report such decision to sell such land to the Legislature and if the Legislature shall approve such report the Legislature shall direct such sale as herein provided by a bill regularly passed and approved by the Governor of this State, and such land shall not be sold until the Legislature directs said sale by such bill.

Sec. 7. The Prison Board is hereby authorized and directed to use all proper means toward salvaging the property of the State now located and situated upon the farms and prisons at Huntsville, which are to be abandoned upon the removal of the prisoners therefrom, and such material as may be in such condition as can be used in the construction of the walls and buildings to be constructed upon the site selected shall be used for said purpose.

Sec. 8. The Texas Prison Board shall undertake, in the manner and to the extent experience and available funds suggest and permit, to provide for the utilization of prison labor in varying useful employments, and particularly in those directions which are calculated to produce food supplies and necessities for all inmates of the State Prison, and supplies and necessities for inmates of the eleemosynary institutions of the State.

Sec. 9. The Board of Control is hereby authorized to make contracts

with the State Prison Board for the purchase of supplies, equipment and materials for use by other State institutions, including food, supplies, clothing, shoes, metal utensils and appliances, furniture and fixtures, and any and all other supplies or agricultural or manufactured products, rock crushing or other labor for use of the State in any of its departments, Commissions, Board, offices, or eleemosynary or educational institutions, including any and all supplies, equipment, material, or labor purchased or used by, or for the State, under the direction of the Board of Control. And the State Highway Department is authorized to contract with the State Prison Board for the manufacture, sale and delivery to it of cement, and other materials and labor for use in the construction and maintenance of State Highways, and highway appurtenances.

Sec. 10. The sum of Five Hundred Thousand (\$500,000.00) Dollars is hereby appropriated for the first fiscal year of this biennium, beginning September 1, 1929, and ending August 31, 1930; and Five Hundred Thousand (\$500,000.00) Dollars is hereby appropriated for the second fiscal year of this biennium, beginning September 1, 1930, and ending August 1, 1931, to be made available for the salvaging and removal of all available property and materials as provided in this Act, and for the purchase of buildings, materials and equipment, and other expenditures necessary in the construction of walls and buildings and other equipment provided for in this Act. Such funds shall be expended under the direction of the Prison Board and be paid out as are other expenditures by the Board.

Sec. 11. All laws or parts of laws in conflict herewith are hereby repealed and if any provision of this Act shall be held unconstitutional such findings shall not affect other provisions of this Act.

Sec. 12. The fact that the Prison System of the State of Texas is now scattered over a large portion of the State, which makes economical supervision of the same impractical in the interest of economy and the public good, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule that bills be read

upon three several days in each House, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We a majority of your Committee on State Affairs, to whom was referred

H. B. No. 596, A bill to be entitled "An Act providing for a Civil Service Commission in certain counties for certain offices and providing for competitive examination and providing for a Board of Appeal designating the members of the Commission and providing for a secretary and fixing their salaries and the manner of payment thereof, providing manner of the examination and selection of employees by Commission, and providing manner of their discharge; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached Committee amendment, and that the bill be printed in the Journal but not otherwise.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 27, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your committee on State Affairs, to whom was referred

H. B. No. 596, A bill to be entitled "An Act providing for a Civil Service Commission in certain counties for certain offices and providing for competitive examination and providing for a Board of Appeal designating the members of the Commission and providing for a secretary and fixing their salaries and the manner of payment thereof, providing manner of the examination and selection of employees by Commission, and providing manner of their discharge; and declaring an emergency."

Have had the same under consideration, and beg to differ with the majority of your committee and report the bill back to the Senate with the recommendation that it do not pass.

LOVE.

HOLBROOK.

HORNSBY.

#### Amendment.

Amend H. B. No. 596 by adding at the end of Section 9 the following:

"Provided that the question whether said Civil Service System shall be effective in said county shall be submitted to the qualified voters of the county at the next county-wide election held in the county after this Act takes effect, and if a majority of such voters at such election vote in favor of said system in said county the same shall be in force and effect, but if a majority of the voters voting at said election shall vote against said system for the county, the said system shall not be in effect in said county."

RUSSEK.

By Duvall et-al

H. B. No. 596.

#### A BILL

#### To Be Entitled

An Act providing for a Civil Service Commission in certain counties for certain offices and providing for competitive examination and providing for a Board of Appeal designating the members of the Commission and providing for a Secretary and fixing their salaries and the manner of payment thereof, providing manner of the examination and selection of employees by Commission, and providing manner of their discharge; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. This Law shall apply to all counties in the State of Texas having a population of not less than 150,000 nor more than 175,000 according to the Federal Census of 1920.

Sec. 2. This Law shall become effective from and after the first days of September A. D. 1929, and shall affect the appointive employees in the following offices: County Clerk, District Clerk, Auditor, Tax Collector, Tax Assessor, Juvenile Office, Sheriff, Constable of Precinct No. 1, and the two Justices of the Peace of Precinct No. 1.

Sec. 3. There is hereby created a Civil Service Commission, which shall be composed of the District Judges of said county, or counties, for said county or counties affected by this law. Members of said Board to receive not to exceed \$250.00 each per annum for their services. The said Commission shall formulate

such rules and regulations for written competitive examination, and shall also employ a secretary at a salary not to exceed \$500.00 per annum; who shall be in charge of all records of the Commission and who shall give all examinations, grade all papers and perform such other duties as may be required of him by said Commission. Such salaries shall be paid out of the county funds by order of the Commissioners' Court.

Sec. 4. The applicant receiving the highest grade for the position examined for, shall be ranked No. 1 for the position. The next highest, No. 2, and so on, until all these examined shall have received such ranking as they may be entitled to by virtue of the grades made. The secretary of the Commission shall certify the three having made the highest grades to the elective officer in whose office the position is to be filled, who shall select from the rest the one he desires appointed. Applicants must have resided in said county at least one year next before filing his application. In the event there is more than one position to be filled, the secretary shall submit the two remaining on the original list, and add to said list, one more name, out of which list the officers shall choose the persons they desire appointed. When the secretary has submitted the name or names to the elective officer for the second time, and they are refused, by the elective officer, then they shall not be submitted to that elective officer, but three additional names shall be submitted.

Sec. 5. Provided that all employees holding any of the offices in the departments named in Section 2, shall be continued in their positions without examinations, provided they have had as much as six months experience immediately prior to the date this law shall become effective.

Sec. 6. All positions of temporary employment shall be filled by the elective officers without coming under the provisions of this Bill. By temporary employment is meant a position which is to be open for sixty days or less.

Sec. 7. Promotions within the force of employees shall be on the basis of record, merit, efficiency, character, conduct, and seniority, but after examinations taken by the

employees under the rules and regulations as may be laid down by the Commission.

Sec. 8. Employees may be removed by the Commission upon the filing of a petition in writing with the Commission signed by five citizens of the county or by the elective officer in charge of the office affected thereby charging misconduct or inefficiency on the part of any employee hereunder. Upon the filing of said petition the Commission shall make a thorough investigation and shall have the right to dismiss the employees, if in their opinion, the charges shall be sustained. Any person who feels aggrieved by any official conduct of an elective officer or of the secretary of the Commission may appeal to the Commission whose decision shall be final.

Sec. 9. Provided that employees appointed in the manner herein set out shall not take part in political campaigns; provided that any employees appointed by the provisions herein provided shall be required to resign his position upon becoming a candidate for any county or precinct office, and should be afterwards desire to re-enter the services of said county he shall be required to take examination as though he had never been in service of said county.

Sec. 10. The fact that in the counties affected there are a great number of employees who have been employed by said county for a number of years and who have become very efficient, whose services should be continued and who are subject to discharge at the will of various elective officials; and, whereas, efficiency in these various offices requires that these various positions be filled by competent and efficient employees constitutes an emergency and sufficient public necessity for the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and said Constitutional Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Reasons for Vote.

REMARKS OF SENATOR BERKELEY IN CASTING A YEA VOTE  
ON S. J. R. NO. 10.

I am simply casting a vote of

chivalry in behalf of Senator Margie E. Neal, permitting her to express herself through me, as this is the only way her desire to vote for the Resolution can be made effective. I am prompted in this course on the reasonable assumption that her physical condition is such that it might jeopardize her health to journey to Austin at this time for the specific purpose of voting on the Resolution.

My affection and esteem for her is too great for me to permit her enthusiasm to outweigh better judgment in the preservation of health. I, therefore, waive my personal conviction in the matter and substitute for her on this important measure.

It is still my deliberate judgment that the principal involved in a state wide bond issue is unsound.

Benjamin Franklin Berkeley.

I was against the submission of S. J. R. No. 10 until the following amendment was added to same:

Amend Committee Substitute S. J. R. No. 10 as amended by adding to Section 1, as now amended, the following:

"And provided further that in the event the Legislature shall issue any obligations hereunder it shall first issue such obligations not to exceed the sum of \$75,000,000.00 for the purpose of paying interest upon and redeeming outstanding county and district highway bonds."

MARTIN.

### THIRTY-SEVENTH DAY.

Senate Chamber,  
Austin, Texas,  
February 28, 1929.

The Senate met at 10 oclock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Hyer.
Berkeley.	Love.
Cousins.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.

Russek.	Williamson.
Small.	Wirtz.
Stevenson.	Woodul.
Thomason.	Woodward.
Westbrook.	

Absent—Excused.

Neal. Witt.

Prayer by the Rev. W. F. Bryan.  
Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hyer.

### Petitions and Memorials.

(See Appendix.)

### Committee Reports.

(See Appendix.)

### Bills and Resolutions.

By Senator Hardin:  
S. B. No. 603, A bill to be entitled "An Act establishing at Meridian, in Bosque county, Texas, the Central Texas State Teachers College, conditioned upon acquiring good title to the college property of Meridian College now located at Meridian, Texas for the purposes of said Teachers College, providing for the acceptance of title to said property; etc., and declaring an emergency."  
Read first time and referred to Committee on Finance.

### Senators Excused.

On motion of Senator Hyer, Senator Witt was excused for the day on account of important business.

### Simple Resolution No. 81.

Senator Holbrook sent up the following resolution:

By Senators Holbrook, Wirtz, Miller, Woodward, Woodul, Small, Pollard, Hornsby.

WHEREAS, Col. William Stewart simkins, one of the nation's leading law educators and for more than a half century one of the outstanding citizens of Texas, has just passed to life eternal, and,

WHEREAS, It is with profound sorrow that the members of this Senate are thus called to record his absence, it is but fitting that we should lay upon his open bier this tribute of our affections.

Colonel Simkins was not only a